

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**CARDELL TOLIVER, IN HIS
REPRESENTATIVE CAPACITY,
ON BEHALF OF ALL WRONGFUL
DEATH BENEFICIARIES OF
CORNELIUS TOLIVER**

PLAINTIFF

VERSUS

CIVIL ACTION NO. 4:03CV11-P-B

**NATIONAL HERITAGE REALTY, INC.,
D/B/A GREENWOOD HEALTH AND
REHABILITATION CENTER; AND JOHN
AND JANE DOES 1-10**

DEFENDANTS

ORDER

This cause is before the Court on the defendant's Application for Review of the Magistrate's Opinion and Order on Plaintiff's Motion for Contempt and for Sanctions [175-1]. The Court, having reviewed the motion, the response, the authorities cited and being otherwise fully advised in the premises, finds as follows, to-wit:

That the Magistrate's September 2, 2005 Opinion and Order granting plaintiff's Motion for Contempt and Sanctions should be affirmed in all respects, as it was neither clearly erroneous nor contrary to law.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the defendant's Application for Review of Magistrate Judge's Opinion and Order [175-1] is not well-taken and the Magistrate's September 2, 2005 Order should be, and hereby is, AFFIRMED.

SO ORDERED, this the 17th day of February, 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE